

Remarks:

Status of Claims

Claims 1-24 were previously pending. Claims 1, 5, 13, and 22 are currently amended. Thus, claims 1-8 and 10-24 are currently pending with claims 1, 5, 13, and 22 being independent.

Office Action

In the October 3, 2005, Office Action, the Examiner rejected all claims under 35 U.S.C. § 102(b) in view of Kemp (U.S. Patent No. 2,841,255). Applicant respectfully submits that the Examiner's rejections are overcome by the amendments and arguments made herein as Kemp fails to disclose or suggest a covering panel having a lip operable for mating engagement with an adjacent panel such that mating lips at least partially overlap, a covering panel having a flange with a plurality of discrete locking members, or a retaining member including a drainage channel.

Kemp fails to disclose or suggest a covering panel having a mating lip that by at least partially overlaps another mating lip

Independent claims 1, 5, and 22 of the present application now include the feature of a covering panel having a lip operable for mating engagement with a corresponding lip of an adjacent panel by at least partially overlapping the corresponding lip. As described on pages 5 and 8 and illustrated in FIG. 3, each panel includes a front lip 26 extending forwardly from the panel and a rear lip 28 extending rearwardly from the panel. Each panel is operable to mate with an adjoining panel to facilitate coupling of the panels, strengthen the system, and prevent water leakage. After two adjacent panels have been joined, the lip of one panel will overlap the lip of the other.

In contrast, Kemp fails to disclose or suggest a covering panel having an overlapping mating lip. As the Examiner points out, Kemp shows each sound absorbing unit 16 having a slanted portion, at the edge of the pan 18, that connects with the end wall 37. However, the end walls 37 extend perpendicularly from the bottom wall 20 and merely abut or touch each other when the system is constructed. Except for the shaped arcuate portions 42, the end walls are flat and smooth. There is

no feature on the end wall that can overlap or otherwise mate with another end wall when two panels are joined. Thus, Kemp does not suggest or disclose the feature of overlapping lips as recited in claims 1, 5, and 22.

Kemp fails to disclose or suggest a covering panel having a flange with a plurality of discrete locking members

Independent claims 13 and 22 of the present application now include the feature of a covering panel having a flange with a plurality of discrete locking members protruding perpendicularly therefrom. Conversely, Kemp's arcuate locking members 42 are continuous, as discussed at length in the previous Amendment. Additionally, the Examiner did not contend that Kemp's locking members are discrete in the latest Office action. Therefore, Kemp does not disclose or suggest a flange with a plurality of discrete locking members as recited in claims 13 and 22.

Kemp fails to disclose or suggest a retaining member including a drainage channel

As recited in claims 2, 10, 13, and 22, the retaining member of the present invention is operable to include a drainage channel. Each retaining member's drainage channel connects with an adjacent restraining member to form a composite drainage channel which is preferably continuous across a roof (page 7, lines 14-22). Water, after striking the panel, is guided towards the drainage channel by the flanges and is directed away from the roof through the composite drainage channel. Such functionality protects the roof and associated structures by efficiently removing water.

In contrast, Kemp provides an acoustical system that should be attached to the underside of a deck or ceiling (column 2, lines 26-28). As such, Kemp's configuration is generally the opposite of the present invention's as Kemp's covering panels are mounted below Kemp's retaining members while the present invention's covering panels are mounted above the retaining members to enable water to flow from the covering panels to the drainage channel. As a result, Kemp is inoperable to provide a drainage channel as any fluid present within the T-bar 28 (retaining member) would simply

flow downward through the gap between the sound absorbing units and out of the T-bar 28. Thus, Kemp fails to disclose this claimed feature and the Examiner's rejections under 102(b) cannot stand.

Additionally, there is no suggestion or motivation to modify Kemp, such as by inverting the placement of the panels and retaining members and securing the retaining members to a roof, as Kemp's system is limited to hanging from indoor ceilings where the issue of water drainage is not present. Furthermore, inverting Kemp's system could cause unintended effects. Objects that were in a state of tension in the preferred embodiment would be in a state of compression when inverted. This could compromise the integrity of Kemp's system and lead to mechanical instability. As the Examiner neglected to provide any suggest or motivation to modify Kemp for placement on a roof to form a drainage channel, the Examiner failed to form a *prima facie* case of anticipation or obviousness.

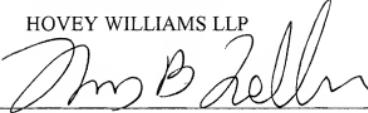
Conclusion

The Examiner's cited reference, Kemp, fails to disclose or suggest various claimed features of the present invention, including a covering panel having an overlapping mating lip, a covering panel having a flange with a plurality of discrete locking members, and a retaining member including a drainage channel. Further, Kemp expressly teaches away from some of these features due to Kemp's intended usage as a acoustic ceiling hanger and not as a roof cover.

Thus, claims 1-8 and 10-24 are in allowable condition and Applicant respectfully requests a Notice of Allowance. In the event of further questions, the Examiner is urged to call the undersigned. Any additional fee which is due in connection with this amendment should be applied against our Deposit Account No. 19-0522.

Respectfully submitted,

HOVEY WILLIAMS LLP

By: 

Thomas B. Luebbering, Reg. No. 37,874
2405 Grand Blvd., Suite 400
Kansas City, Missouri 64108
(816) 474-9050
ATTORNEYS FOR APPLICANT(S)